

EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

ANTHONY AGUILAR
Plaintiff,

v.

**GULLY TRANSPORTATION, INC.
AND CHRISTOPHER ROHR**
Defendants.

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§
§

CIVIL ACTION NO. 4:21-cv-01181

INDEX OF STATE COURT FILE

The following is an index identifying each state court document and the date in which each document was filed in the 236th Judicial District Court, Tarrant County, Texas.

<u>EXHIBIT</u>	<u>DATE</u>	<u>DOCUMENT</u>
2		Index of State Court File
2a	10/25/2021	Docket Sheet
2b	08/30/2021	Plaintiff's Original Petition
2c	10/05/2021	Return of Citation to Gully Transportation, Inc.

EXHIBIT 2a

Case Information

ANTHONY AGUILAR VS. CHRISTOPHER, JR ROHR

236-328149-21

Location	Case Category	Case Type	Case Filed Date
Tarrant Count - District Clerk	Civil - Injury or Damage	Motor Vehicle Accident	8/30/2021

Parties3

Type	Name	Attorneys
Plaintiff	ANTHONY AGUILAR	W TRAVIS PATTERSON
Defendant	THE GULLY TRANSPORTATION INC	
Defendant	CHRISTOPHER, JR ROHR	

Events2

Date	Event	Type	Comments	Documents
8/30/2021	Filing	Petition	Plaintiff's Original Petition	21.08.30 - Aguilar - POP.pdf
10/5/2021	Filing	No Fee Documents		Gully Trans RoS.pdf

EXHIBIT 2b

FILED
TARRANT COUNTY
8/30/2021 4:42 PM
THOMAS A. WILDER
DISTRICT CLERK

CAUSE NO. 236-328149-21

ANTHONY AGUILAR,	§	IN THE DISTRICT COURT
<i>Plaintiff,</i>	§	
	§	
vs.	§	JUDICIAL DISTRICT _____
	§	
GULLY TRANSPORTATION, INC. and	§	
CHRISTOPHER ROHR,	§	
	§	
Defendants.	§	TARRANT COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR WRITTEN DISCOVERY

Plaintiff ANTHONY AGUILAR ("ANTHONY" or "Plaintiff") experienced a life upheaval at approximately 12:54 P.m. on August 28, 2020. This is when Defendant CHRISTOPHER ROHR – acting in the course and scope of his employment with Defendant GULLY TRANSPORTATION, INC. negligently drove a commercial vehicle and violently impacted Plaintiff's vehicle ("Collision"). ANTHONY files this Original Petition, and in support would respectfully show as follows:

I. NOTICE TO DEFENDANTS

This is a legal document which is extremely time sensitive. You should IMMEDIATELY forward a copy of this document to your insurance agent or representative to secure coverage.

II. DISCOVERY CONTROL PLAN AND CLAIM FOR RELIEF

Plaintiff intends to conduct discovery under Level 3 of Texas Rule of Civil Procedure 190.4 and affirmatively pleads that this suit is not governed by the expedited actions process in Rule 169 because Plaintiff seeks monetary relief between \$200,000 and \$1,000,000. Plaintiff reserves the right to amend her claim for relief based on discovery in this matter. At this time, no discovery has

been conducted and Plaintiff's assertion is made upon knowledge and belief. Plaintiff implicitly trusts the judgment of the good and fair jury as the representatives of the TARRANT County community. Ultimately, Plaintiff will ask a jury of their peers to assess a fair and reasonable amount of money damages as compensation for their injuries.

III. PARTIES

Plaintiff ANTHONY AGUILAR is a resident of TRAVIS County, Texas. Pursuant to §30.014 of the TEXAS CIVIL PRACTICE AND REMEDIES CODE, Plaintiff is an individual with the following identifying number: TXDL (xxxxxx072).

Defendant CHRISTOPHER ROHR, JR. ("ROHR") is an individual residing at 31054 State Highway 129, New Cambria, Missouri 63558. Defendant ROHR may be served with process at this address, or wherever Defendant ROHR may be found.

Defendant GULLY TRANSPORTATION, INC. ("GULLY") is a for-profit company doing business in the State of Texas – but not registered with the Secretary of State, which may be served with citation by serving its registered agent or principal at GULLY's primary business location for service: 3820 WISMANN LANE, QUINCY, IL 62305

IV. JURISDICTION AND VENUE

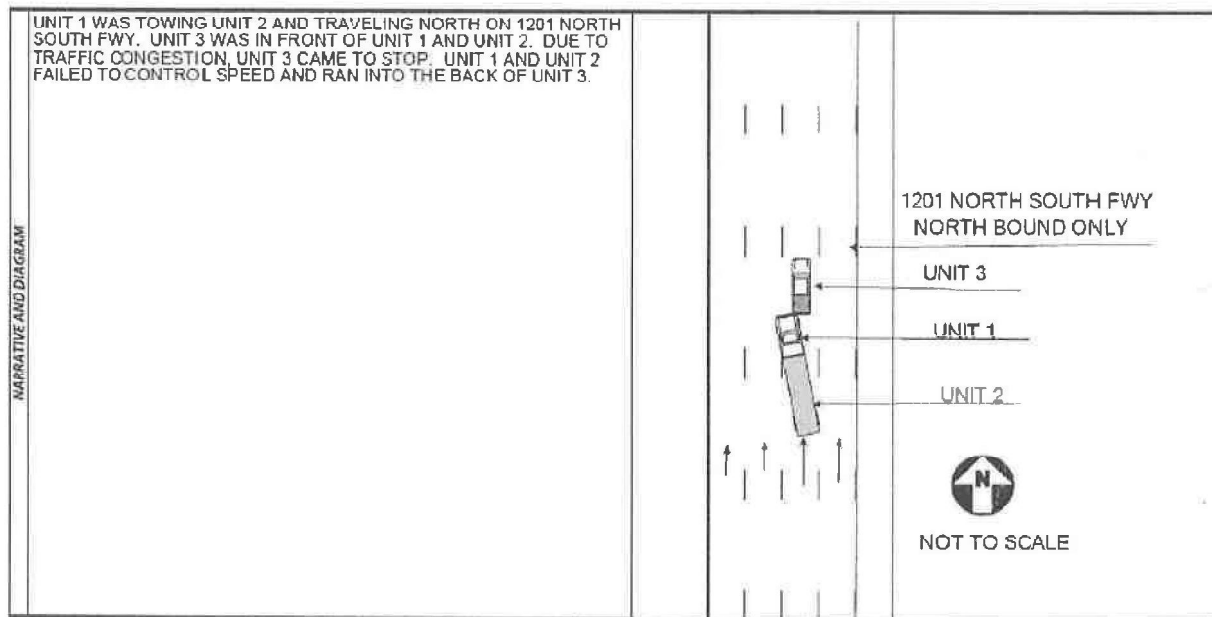
This Honorable Court has subject matter jurisdiction over this lawsuit because the amount in controversy exceeds this Court's minimum jurisdictional limits.

Venue is proper in TARRANT County under the TEXAS CIVIL PRACTICE & REMEDIES CODE § 15.002 because the incident that gave rise to this lawsuit occurred in TARRANT County, Texas.

V. FACTS

Plaintiff ANTHONY AGUILAR (“ANTHONY” or “Plaintiff”) experienced a life upheaval at approximately 12:54 P.m. on August 28, 2020. This is when Defendant CHRISTOPHER ROHR – acting in the course and scope of his employment with Defendant GULLY TRANSPORTATION, INC. negligently drove a commercial vehicle and violently impacted Plaintiff’s vehicle (“Collision”).

At the time of the Collision, Plaintiff was operating his vehicle heading north on 1201 North South Freeway in Fort Worth, Texas. Plaintiff came to a stop because of traffic congestion – as a responsible driver should – when ROHR negligently failed to control his speed and rear-ended Plaintiff's vehicle.



As a direct result of all Defendants' negligence, Plaintiff suffered – and will continue to suffer - serious injuries.

VI. NEGLIGENCE

Defendant ROHR had a duty to exercise ordinary care and operate Defendants' vehicle reasonable and prudently.

Defendant ROHR breached the duty of care in the following ways:

1. Failing to timely apply the brakes;
2. Failing to maintain a proper lookout;
3. Failing to obey traffic control signals;
4. Failing to maintain proper control of Defendants' vehicle; and
5. Driving Defendants' vehicle at a rate of speed greater than that at which an ordinarily prudent person would have driven under the same or similar circumstances.

Defendant ROHR's breaches of duty proximately caused injury to Plaintiff, which resulted in significant damages. At all relevant times, Defendant ROHR was acting in the course and scope of his employment with Defendant GULLY, or was acting at all times as the authorized agent of Defendant GULLY. As a result, Defendant GULLY is vicariously liable for all damages proximately caused to Plaintiff as a result of the acts or omissions of its actual or borrowed representatives, agents, or employees, including but not limited to Defendant ROHR.

VII. DAMAGES

As a proximate cause of Defendants' negligent acts and/or omissions, Plaintiff suffered, and continues to suffer, damages and injuries that include but are not limited to:

1. physical pain suffered in the past;
2. physical pain which she will, in reasonable medical probability, suffer and sustain in the future;

3. mental anguish suffered in the past;
4. mental anguish which she will, in reasonable probability, suffer and sustain in the future;
5. permanent physical disfigurement suffered in the past;
6. permanent physical disfigurement which she will, in reasonable medical probability suffer and sustain in the future;
7. physical impairment and loss of enjoyment of life suffered in the past;
8. physical impairment and loss of enjoyment of life which she will, in reasonable medical probability, suffer and sustain in the future;
9. loss of earning capacity sustained in the past;
10. loss of earning capacity which she will, in reasonable probability, suffer and sustain in the future;
11. the reasonable expenses for necessary medical and hospital care which she has received for her injuries; and
12. the reasonable expenses for necessary medical and hospital care, which she will, in reasonable probability, require for future treatment of her injuries.

VIII. PRE- AND POST-JUDGMENT INTEREST

Plaintiff is entitled to recovery of pre- and post-judgment interest in accordance with the law and equity as part of the damages in this matter, and hereby sues for recovery of pre- and post-judgment interest under the applicable provision of the laws of the State of Texas.

IX. REQUEST FOR MANDATORY DISCLOSURES

Pursuant to Texas Rule of Civil Procedure 194, Plaintiff requests that each Defendant disclose, within thirty (30) days of service of their Answer, the information or material described in Rule 194.2.

X. NOTICE PURSUANT TO TRCP 193.7

Plaintiff hereby gives actual notice to Defendants that documents produced during discovery may be used against Defendants at any pre-trial proceeding and/or at trial of this matter without the necessity of authenticating the document(s). This notice is given pursuant to Rule 193.7 of the TEXAS RULES OF CIVIL PROCEDURE.

XI. JURY DEMAND

Plaintiff demands a jury trial and tenders the appropriate fee with the filing of this Petition.

XII. CONDITIONS PRECEDENT

All conditions precedent, if any, to Plaintiff's causes of action asserted have either occurred, been performed, been waived, or been excused.

XIII. RESERVATION OF RIGHTS AND CLAIMS

Plaintiff hereby reserves their rights to pursue all potential causes of action against Defendants, including but not limited to, claims for Gross Negligence and Negligent Entrustment. This section also will serve to put Defendants on notice of Plaintiff's intention to serve discovery to investigate these claims.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff ANTHONY AGUILAR prays that the Court issue citation for Defendants CHRISTOPHER ROHR, JR. and GULLY TRANSPORTATION, INC., to appear and answer, and that Plaintiff be awarded a judgment against Defendants for the following:

1. Physical pain and suffering that ANTHONY AGUILAR has suffered and will suffer;
2. Mental anguish that ANTHONY AGUILAR has suffered and will suffer;
3. Physical disfigurement that ANTHONY AGUILAR has suffered and will suffer;
4. Physical impairment that ANTHONY AGUILAR has suffered and will suffer;
5. Medical costs and expenses that ANTHONY AGUILAR has suffered and will suffer;
6. Lost wages that ANTHONY AGUILAR has suffered and will suffer;
7. Loss of earning capacity that ANTHONY AGUILAR has suffered and will suffer;
8. Prejudgment and post judgment interest at the maximum legal rate;
9. Court costs, including discretionary costs, and all other relief, whether at law or in equity, to which Plaintiff is justly entitled.

Respectfully submitted,

PATTERSON LAW GROUP

/s/ W. Travis Patterson

W. Travis Patterson
State Bar No. 24080095
Tennessee W. Walker
State Bar No. 24066253
Kolter R. Jennings
State Bar No. 24094048
Travis J. Heller
State Bar No. 24104180
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EXHIBIT 2c

236-328149-21

AFFIDAVIT OF SERVICE

FILED
TARRANT COUNTY
10/5/2021 12:04 PM
THOMAS A. WILDER
DISTRICT CLERK

State of Texas

County of Tarrant

District Court

Case Number: 236-328149-21

Plaintiff:
ANTHONY AGUILAR

vs.

Defendant:
GULLY TRANSPORTATION, INC. AND CHRISTOPHER ROHR

For:
CALEB MALONE
MALONE PROCESS SERVICE, LLC
PO BOX 720040
DALLAS, TX 75372

Received by Gary Musholt on the 1st day of October, 2021 at 8:24 am to be served on **GULLY TRANSPORTAION, 3820 WISEMAN LANE, QUINCY, IL 62305.**

I, **GARY MUSHOLT**, being duly sworn, depose and say that on the **5th day of October, 2021** at **9:05 am**, I:

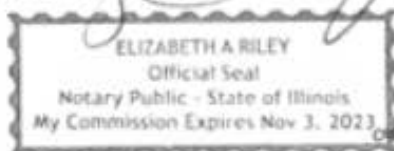
served a **CORPORATION** by delivering a true copy of the **PLAINTIFF'S ORIGIN L PETITION AND REQUEST FOR WRITTEN DISCOVERY** with the date and hour of service endorsed thereon by me, to: **ANDREW EISENBEISS** as **REGISTERED AGENT** for **GULLY TRANSPORTAION**, at the address of: **3820 WISEMAN LANE, QUINCY, IL 62305**, and informed said person of the contents therein, in compliance with state statutes.

Description of Person Served: Age: 35, Sex: M, Race/Skin Color: CAU, Height: 6, Weight: 185, Hair: BROWN, Glasses: N

I certify that I am over the age of 21, have no interest in the above action, in the judicial circuit in which the process was served.

Subscribed and Sworn to before me on the 5th day of October, 2021 by the affiant who is personally known to me.

NOTARY PUBLIC




GARY MUSHOLT
Process Server